

United States District Court
For the Northern District of California

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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 JAMES THOMAS HART,

No. 03-5580 CW

10 Plaintiff,

ORDER FOR
BRIEFING AFTER
REMAND

11 v.

12 LAWRENCE L. BRAUN; COUNTY OF NAPA;
13 TERRY DAVIS, Public Defender Office
for the County of Napa,

14 Defendants.

15 _____ /
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17 On September 13, 2005, the Ninth Circuit issued its mandate in
18 this case, reversing and remanding. The Ninth Circuit ruled that
19 this Court erred by dismissing on statute of limitations grounds
20 Plaintiff's malpractice claim against his former public defender
21 without considering the applicability of equitable tolling. The
22 Ninth Circuit did not address the Court's ruling in favor of
23 Defendants on Plaintiff's civil rights claim; therefore, judgment
24 in favor of Defendants on the civil rights claim is not affected by
25 the Ninth Circuit's ruling.
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27 The Court sets the following briefing schedule on the issue of
28 whether equitable tolling applies to Plaintiff's malpractice claim.

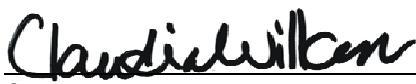
1 Defendants shall file a motion for summary judgment within two
2 weeks from the date of this order. Plaintiff shall file an
3 opposition two weeks thereafter. Defendants' reply is due one week
4 later. The motion will be decided on the papers without a hearing.

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8 Dated: 10/4/05


Claudia Wilken
CLAUDIA WILKEN
United States District Judge

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